

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HARWIN,

Defendant.

Case No. 3:14-CR-050-MMD-WGC

JUDGE MIRANDA M. DU'S
ORDER REGARDING TRIAL
IN CRIMINAL CASES

1. Attached hereto is a list of cases that are presently scheduled for trial before the Honorable Miranda M. Du, United States District Judge, at Reno, Nevada, commencing on **TUESDAY, the 12th day of AUGUST, 2014 at 9:00 a.m.** This is a two-week stack.

2. Counsel for all parties, and all pro se parties, shall appear in Reno Courtroom 5 on **MONDAY, the 4th day of AUGUST, 2014 at 1:00 p.m.** for Calendar Call. Defendants will not be required to appear for Calendar Call unless a defendant is appearing pro se or unless the Court directs otherwise.

3. Counsel or pro se defendants will be excused from Calendar Call if, prior to the scheduled calendar call, a defendant's plea of guilty or nolo contendere has been accepted.

1 4. At the Calendar Call, all cases that remain to be tried will be ranked in
2 order of trial. Thereafter, the Court will not grant a continuance to any party absent a
3 showing of good cause. Unless the Court otherwise directs, the cases will be tried one
4 after the other on **TWENTY-FOUR (24) HOURS' NOTICE** from the Clerk.

5 5. CHANGE OF PLEA HEARINGS. It shall be the responsibility of counsel
6 for the United States and for Defendant(s) to ensure that the original and two copies of
7 the plea agreement be emailed to the Courtroom Administrator, PEGGIE VANNOZZI,
8 (Peggie_Vannozzi@nvd.uscourts.gov). Counsel will be contacted with a firm hearing
9 date.

10 6. STATUS HEARINGS. The Court may conduct a status conference prior to
11 the scheduled Calendar Call. Any party who wishes to request a pretrial status
12 conference should notify the Courtroom Administrator no later than two (2) weeks before
13 Calendar Call. If the Court is satisfied during the status conference that the case is
14 ready for trial, the Court may vacate the Calendar Call.

15 7. WITNESSES. Counsel and pro se defendants shall immediately subpoena
16 all witnesses for the time and trial date as listed above. Inasmuch as the cases will be
17 tried in a trailing fashion, the subpoenas should contain a special instruction from
18 counsel directing witnesses to contact the **office of counsel** for further instructions prior
19 to appearing for trial. Witnesses are not required to be present at the Calendar Call, but
20 must appear as subpoenaed. The government must file their witness list **five calendar**
21 **days** before trial.

22 8. EXHIBITS. **Five (5) calendar days** before trial, the parties must
23 electronically file their complete exhibit list of all exhibits that are intended to be used
24 during the trial. At the same time, counsel shall serve upon opposing counsel a copy of
25 the same. Plaintiffs shall use numerals 1 through 499 and defendants shall use
26 numerals 500 through 999. The exhibits are to be listed on a form provided by the
27 Clerk's Office, and may be computer-generated if they conform to the requirements of
28 the form that is provided by the Clerk. Counsel shall retain possession of their exhibits

1 until such time as they are identified in open court; thereafter, the exhibits shall remain in
 2 the custody of the clerk unless otherwise ordered. In any case which involves fifteen or
 3 more document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder
 4 behind a tab noting the number of each exhibit and each exhibit shall be pre-marked
 5 with an exhibit sticker. The binder shall be clearly marked on the front and side with the
 6 case caption and number and the sequence of exhibits. If oversized binders are used,
 7 the holes in the documents shall be large-sized so that the pages may be easily turned.
 8 **The Friday** before trial, counsel shall provide the Courtroom Administrator with the
 9 binder containing the exhibits and a courtesy set for the trial judge.

10 9. MARKING EXHIBITS. During preparations for trial, the parties shall meet,
 11 confer, pre-mark and exchange all trial exhibits. At least **the Friday** before trial, counsel
 12 shall notify Judge Du's Courtroom Administrator that the exhibits have been pre-marked.

13 10. EVIDENCE DISPLAY EQUIPMENT. Counsel wishing to utilize the Court's
 14 evidence display equipment must make contact with the Courtroom Administrator to
 15 determine its availability and to arrange for training. Counsel wishing to utilize their own
 16 display equipment must contact the Courtroom Administrator to arrange a time and date
 17 to set up the equipment prior to the trial.

18 11. JURY INSTRUCTIONS. **Five (5) calendar days** before trial, the parties
 19 are to file with the Clerk's Office the original set of mutually acceptable jury instructions,
 20 a set of disputed instructions and the verdict forms. At the same time, the parties shall
 21 provide a copy of the same in MS Word format to chambers by email to the Courtroom
 22 Administrator at Peggie_Vannozzi@nvd.uscourts.gov. The set of disputed jury
 23 instructions must include the authority and argument for each instruction. Any
 24 modifications of instructions from statutory authority, the Ninth Circuit Manual of Model
 25 Jury Instructions, or any other model instructions, must specifically state the modification
 26 made to the original source and the authority and argument supporting the modification.

27 12. SUGGESTED VOIR DIRE QUESTIONS. **Five (5) calendar days** before
 28 trial, counsel or parties appearing pro se shall file with the Clerk of the Court all

1 suggested voir dire questions to be asked of the jury panel by the Court. At the same
2 time, the parties shall provide a copy of the same in MS Word format to chambers by
3 email to the Courtroom Administrator at Peggie_Vannozzi@nvd.uscourts.gov.

4 13. STATEMENT OF THE CASE. **Five (5) calendar days** before trial, counsel
5 or parties appearing pro se shall file with the Clerk of the Court a brief statement of the
6 case, no longer than one-half page, stating the nature of the claims and defenses, to be
7 read to prospective jurors at the time of jury selection. At the same time, the parties
8 shall provide a copy of the same in MS Word format to chambers by email to the
9 Courtroom Administrator at Peggie_Vannozzi@nvd.uscourts.gov. A copy of the
10 Indictment, indicating which portions should be read to the jury, will satisfy this
11 requirement.

12 14. GOVERNMENT'S TRIAL MEMORANDUM. Plaintiff United States shall
13 submit its original **Government's Trial Memorandum** under seal **five (5) calendar**
14 **days** before trial and shall also provide a copy (marked confidential) to the Courtroom
15 Administrator. The Government's Trial Memorandum shall be served on counsel for
16 Defendant on the date trial commences and will be unsealed and filed by the Court at
17 that time.

18 15. TRIAL SCHEDULE. Trial will generally begin at 9:00 a.m. and end at 4:30
19 p.m. Tuesday through Friday. However, parties should plan to be available between 8:30
20 and 9:00 a.m. and after 4:30 p.m. each day of trial to address matters outside the
21 presence of the jury. This standard trial schedule may be modified for good cause,
22 however requests should be submitted at Calendar Call or before the written trial
23 schedule is issued to jurors.

24 16. TRIAL JUDGE. Although the cases that are listed on the attached trial
25 calendar are assigned to Judge Du, the cases may proceed to trial before another
26 Nevada district judge or a visiting district judge.

27 17. SANCTIONS. As provided for under the Local Rules of Practice of this
28 court, the Court will consider the imposition of sanctions against any attorney who: (1)

1 fails to timely file trial briefs, suggested voir dire questions and proposed jury instructions
2 or proposed findings of fact and conclusions of law, whichever is applicable, as
3 prescribed by the Pretrial Order, Order Regarding Pretrial Procedure, Scheduling Order
4 or any order extending the time for such filings; (2) fails to comply with the provision of
5 this order including, but not limited to, the failure to appear for calendar call without first
6 having been excused by the Court or the Clerk with the permission of the Court; or (3)
7 fails to timely comply with any other order that schedules deadlines for trial preparation.

8 18. CONTACT PERSON. All questions and information regarding the trial
9 calendar are to be directed to PEGGIE VANNOZZI, Courtroom Administrator.

10 19. The **date** of the Clerk's File Mark shall constitute the date of this order.

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12 **IT IS SO ORDERED.**

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14 /s/ MIRANDA DU
15 **UNITED STATES DISTRICT JUDGE**
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Judge Du's 8/12/2014 trial stack

1. 3:13-cr-109-MMD-WGC UNITED STATES OF AMERICA

VS.

ARNOLDO DIAZ-CARDENAS

CUSTODY

4 Count Superseding Indictment – 21 USC §841(a)(1), (b)(1)(A)(vii) & §846; 21 USC §841(a)(1) and (b)(1)(A)(vii); 18 USC § 924(c)(1)(A); 18 USC §1361 and §2

Jury trial (estimate days)

Spanish Interpreter

James Keller, AUSA
(for Government)

Ramon Acosta, AFPD
(for Defendant Diaz-Cardenas)

2. 3:14-cr-003-MMD-VPC UNITED STATES OF AMERICA

VS.

GARY LEE CROWDER

BOND

1 Count indictment - 18 USC §2252A(a)(2) and (b)

Jury trial (estimate days)

Carla Higginbotham, AUSA
(for Government)

Walter Fey
(for Defendant)

3. 3:14-cr-21-MMD-VPC UNITED STATES OF AMERICA

VS.

RAFAEL NAVARRO-GARCIA

CUSTODY

1 Count indictment – 18 USC §922(g)(1) & §924(a)(2)

Jury trial (estimate days)

Megan Rachow, AUSA
(for Government)

Lauren Gorman, AFPD
(for Defendant)

Judge Du's August trial stack page 2

4. 3:14-cr-32-MMD-WGC UNITED STATES OF AMERICA

VS.

PATRICK SAMUEL OWENS

CUSTODY
(WRIT NDOC)

1 Count Indictment – 18 USC §641

Jury trial (estimate days)

Carla Higginbotham, AUSA
(for Government)

Dennis Cameron
(for Defendant)

5. 3:14-cr-42-MMD-VPC UNITED STATES OF AMERICA

VS.

JOHN DOE aka

CUSTODY

Leandro Rodriguez Villareal as further described in NV DMV
DL file #0801687891

4 Count indictment – 18 USC §1028(a)(1), §1028A, §1546(b)(3)

Jury trial (estimate days)

Brian Sullivan, AUSA
(for Government)

Ramon Acosta, AFD
(for Defendant)

6. 3:14-cr-47-MMD-WGC UNITED STATES OF AMERICA

VS.

NICHOLAS RIDER WESSEL

CUSTODY

3 Count Indictment – 18 USC §2423(a), §2251(a) & (2) §2252A(a)(5)(B) & (b)

Change of plea scheduled for calendar call

Jury trial (estimate days)

Carla Higginbotham, AUSA
(for Government)

David Houston
(for Defendant)

Judge Du's August trial stack page 3

7. 3:14-cr-49-MMD-VPC UNITED STATES OF AMERICA
VS.
ALEXANDER JOSEPH RADFORD CUSTODY

1 Count Indictment – 18 USC §922(g)(1) & §924(a)(2)

Jury trial (estimate days)

Megan Rachow, AUSA Lauren Gorman, AFPD
(for Government) (for Defendant)

8. 3:14-cr-50-MMD-WGC UNITED STATES OF AMERICA
VS.
JAMES HARWIN CUSTODY

6 Count Indictment – 18 USC §922(b)(3) & §924(a)(1)(D), 26 USC §5842, 5861(h) & 5871; 26 USC §5812, 26 USC §5842, 5861(h) & 5871

Jury trial (estimate days)

Megan Rachow, AUSA Craig Denney
(for Government) Justin Cochran
(for Defendant)

9. 2:09-cv-559-MMD-GWF FREDERICK MARC COOLEY
VS.
J. MARSHAL ET AL

Complaint: civil rights

Frederick Cooley, pro se Nicholas Crosby
(for LVMPD defendants)

David Bailey
James Erbeck
(for City of Las Vegas Defendants)
Trial to begin 8/11/2014 in Las Vegas.
